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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,562	10/13/2000	Alan T. Ruberg	P4822	9045

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BRIAN M BERLINER, ESQ
O'MELVENY & MYERS LLP
400 SOUTH HOPE STREET
LOS ANGELES, CA 90071-2899

EXAMINER

FERRIS, DERRICK W

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/687,562

Applicant(s)

RUBERG ET AL.

Examiner

Derrick W. Ferris

Art Unit

2663

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant fails to reference particular recited elements in the claims. Instead applicant argues generic elements in the claims. As such, the surrounding elements involving an "interconnect" are not recited in the claims (i.e., the structure of the interconnect is not recited in the claims). In particular, e.g., claim 1 does not recite "transmitting data achieved via a communication line" as argued by applicant on page 7 of applicant's arguments under 102(e). Specifically, e.g., in claim 1, applicant recites a bulk decoder that transmits data to an interconnect and an interconnect coupled to an output device. Applicant recites nothing more (i.e., no further communications lines with respect to an interconnect). As such, the NTSC/PAL encoder 45 or the communications line between the decoder 100 and the display 50 are an interconnect since these devices connect the decoder (or other device) to an output device. Furthermore, examiner's arguments are supported in light of applicant's own specification at page 11, lines 22-23 of applicant's specification. In particular, that a single channel line is a communications line which is an interconnect. Applicant then argues that the NTSC/PAL encoder 45 taught in Ozkan is not a decoder. As pointed out in the rejection, either the decoder 100 or the MPEG decoder 25 is the decoder (hence the term "decoder" as depicted in the drawings). Both interpretations of a decoder deliver the decoded data to display 50 (i.e., an output device). Applicant then argues "intermixed signals". In particular, applicant argues "the finer points" with respect to "intermixed data" which are not recited in the claims. Specifically, that applicant's invention not only divides the data into types of data (e.g., audio, video, data, etc.) but also applicant's specification divides the data into different protocol formats (e.g., MPEG, JPEG, H.261, etc.). Applicant argues that because Ozkan et al. does not teach the later of using different protocol formats that the reference does not anticipate the element. Again, the examiner respectfully disagrees. In particular, and yet again, the above difference is not recited in the claims. As such, the claim elements are met since Ozkan et al. teaches the limitation by dividing the data into different types of data as mentioned in the rejection. Similar arguments can be made based on the 103(a) rejection. For example, the examiner notes that a static configuration reads on adjusting the number of bulk decoders in accordance with system load.


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 1/11/05